



PTO/SB/21 (09-06)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10798,932
Filing Date	March 11, 2004
First Named Inventor	Scott Arthur William Muirhead
Art Unit	3637
Examiner Name	Jose V. Chen
Attorney Docket Number	9085

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Index Card
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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Price & Adams		
Signature			
Printed name	John M. Adams		
Date	February 2, 2007	Reg. No.	26,697

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	John M. Adams	Date	February 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NEXTREME  
9085

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Jose V. Chen  
Group Art Unit: 3637  
Application No.: 10/798,932  
Filed: March 11, 2004  
Applicant: Scott Arthur William Muirhead  
Title: THERMOFORMED PLATFORM

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please enter the enclosed Information Disclosure Statement in the file of the above-identified application.

REMARKS

The instant application is a continuation of U.S. Patent application Serial No. 09/803,681, filed on March 12, 2001, now U.S. Patent No. 6,718,888, issued on April 13, 2004. U.S. Patent application Serial No. 09/803,681 claims the benefit of U.S. Provisional Application No. 60/196,127, filed on Apr. 11, 2000.

The following references were cited by the examiner in prior application Serial No. 09/803,681. As understood, under 37 C.F.R. 1.98, copies of the following patents are not required to

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be provided as they were made of record in the prior application  
Serial No. 09/803,681.

U.S. Patent Documents

3,695,188	Granatstein
3,719,157	Arcocha et al.
3,757,704	Allgeyer et al.
4,220,100	Palomo et al.
4,606,278	Shuert
4,879,956	Shuert
5,205,221	Melin et al.
5,391,251	Shuert
5,555,820	Shuert
5,566,624	Brown et al.
5,806,436	Weichenrieder, Sr. et al.
5,845,588	Gronnevik
6,357,366	Frankenberg
6,389,990	Apps
6,458,232	Valentinsson

Foreign Patent Documents

EP0400640	Europe
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The following patents and publications were disclosed  
in the application. As understood, under 37 C.F.R. 1.98, copies  
of the patents and publications are not required to be provided  
as they were made of record in the prior application Serial No.  
09/803,681.

U.S. Patent Documents

3,810,862	Mathis et al.
4,428,306	Dresen et al.
5,117,762	Shuert
5,143,778	Shuert
5,197,395	Pigott et al.
5,356,983	Vijayendran et al.
5,401,347	Shuert
5,404,829	Shuert
5,408,937	Knight, IV et al.
5,413,052	Breezer et al.
5,638,760	Jordan et al.
5,648,031	Sturtevant et al.
5,676,064	Shuert
5,728,424	Walling
5,758,855	Jordan et al.
5,834,535	Abu-Isa et al.
5,924,589	Gordon
5,946,878	Grund et al.
5,984,126	Gordon
5,989,706	McGinniss et al.
6,021,721	Rushton
6,029,583	LeTrudet
6,095,787	Bills, Sr.
6,109,190	Hale et al.
6,110,559	De Keyser

Publications

Extreme™ Pallet, General Electric Company Publication brochure  
GID-PAL-120 2 pages.

On December 1, 2006, Applicant filed a request for continued examination ("RCE"). The following patent was identified as having claimed interfering subject matter.

U.S. Patent Documents

6,758,148 Torrey

The following patent publication was also brought to the attention of the examiner.

U.S. Patent Documents

2006/0011108 Abu-Isa et al.

In accordance with 37 C.F.R. § 1.97, the following patents are brought to the attention of the examiner:

U.S. Patent Documents

5,687,532 Torrey  
6,184,269 Abu-Isa et al  
6,784,234 Adedeji et al  
2005/0004281 Adedeji et al  
2006/0236903 Moore

Foreign Patent Documents

DE 10024421      Germany

Publications

Brindley, Chaille, "Going Up In Smoke", Industrial Reporting, Inc., October 1, 2001.

Catastrophic Fire Prevention Task Force, Progress Report on Appropriate Use of Plastic Pallets, undated publication, p. 1-2.

Electronics Industry Pallet Specification Draft Updated September 6, 2001, p. 8.

English language version of the abstract for German Patent Document No. DE10024421 downloaded from [www.espacenet.com](http://www.espacenet.com) on February 2, 2007.

Witt, Clyde E., "Jumping Through Plastic Hoops of Fire", Material Handling Management, October 2002.

The relevance of the above-identified patents and publications is discussed below.

U.S. Patent No. 5,687,532 discloses an intumescent filler to fill void in extruded door frames.

U.S. Patent No. 6,184,269 discloses a halogenated intumescent polymer.

U.S. Patent No. 6,784,234 and U.S. Patent Publication No. 2005/0004281 disclose injection molded pallets that pass UL 2335 using GE engineering grade materials.

U.S. Patent Publication No. 2006/0236903 discloses a

polyolefin containing between 5%-20% intumescent graphite.

German Patent Document No. DE10024421 discloses a mixture that includes: (a) a copolymer of ethylene, vinyl acetate and optionally other monomer(s), with a vinyl acetate content of 40-85 wt.%; (b) acidic or neutralized expandable graphite; (c) mineral filler(s); and (d) optional additives.

The Brindley publication states that plastic has 2.5 to 3 times the potential heat energy of wood. The publication also indicates that plastic can cause a bigger fire than wood and that plastic pallets require more fire protection than wood.

The Catastrophic Fire Prevention Task Force discloses that plastic pallets are made from highly-flammable polyolefin plastics. The publication also quotes a materials handling industry publication that states "[l]iterally, the hottest issue for plastic pallet manufacturers has become fire safety."

The Electronics Industry Pallet Specification Draft publication discloses that wooden pallet manufacturers should avoid the use of halogenated materials.

The Witt publication states quotes an UL representative as stating that buying a pallet made of fire retardant material is not the same as buying a fire-retardant pallet.

Applicant submits that there is no fee associated with the filing of the instant Information Disclosure Statement, as it was filed before the mailing of the first Office action after the filing of a request for continued examination. See 37 C.F.R. § 1.97(b)(4).

It is submitted that the above-enumerated references,

taken singly or in any combination, do not disclose or suggest the elements as defined by Applicant's claims 11-27. Accordingly, allowance of claims 11-27 over the above-identified references is respectfully requested.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on

February 3, 2007  
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John M. Adams

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February 2, 2007



Receipt date: 02/06/2007

Sheet 1 of 1  
10798932 - GAU-3637

FORM PTO-1449

(Rev. 7-80)

U.S. DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 9085

SERIAL NO. 10798,932

APPLICANT

Scott Arthur William Muirhead

LIST OF PATENTS CITED BY APPLICANT

FILING DATE March 11, 2004 GROUP 3637

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,695,188	10/3/72	Granatstein	108	58	5/28/71
	AB	3,719,157	3/6/73	Arcocha et al.	108	51	9/21/70
	AC	3,757,704	9/11/73	Allgeyer et al.	108	51	6/21/72
	AD	3,810,862	5/14/74	Mathis et al.	260	42.45	2/14/72
	AE	4,220,100	9/2/80	Palomo et al.	108	51.1	2/28/79
	AI	4,428,306	1/31/84	Dresen et al.	108	53.3	10/9/81
	AG	4,606,278	8/19/86	Shuert	108	51.1	9/28/84
	AI	4,879,956	11/14/89	Shuert	108	53.3	1/14/88
	AI	5,117,762	6/2/92	Shuert	108	51.1	3/12/91
	AI	5,143,778	9/1/92	Shuert	428	213	10/31/90
	AK	5,197,395	3/30/93	Pigott et al.	108	56.1	1/23/91

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
AP	DE10024421	Germany			
AM	EP0400640	Europe			
AN					
AO					
AP					

## OTHER PRIOR ART (Including author, Title, Date, Pertinent Pages, Etc.)

AR		Brindley, Chaille, "Going Up In Smoke", Industrial Reporting, Inc., October 1, 2001.
AS		Catastrophic Fire Prevention Task Force, Progress Report on Appropriate Use of Plastic Pallets, undated publication, p. 1-2.
AT		Electronics Industry Pallet Specification Draft Updated September 6, 2001, p. 8.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
BD	5,205,221	4/27/93	Melin et al.	108	51.3	5/22/90
BB	5,356,983	10/18/94	Vijayendran et al.	524	416	3/1/93
BC	5,391,251	2/21/95	Shuert	156	292	1/28/92
BD	5,401,347	3/28/95	Shuert	156	245	12/18/92
BE	5,404,829	4/11/95	Shuert	108	51.1	5/21/91
BE	5,408,937	4/25/95	Knight, IV et al.	108	55.5	12/10/92
BG	5,413,052	5/9/95	Breezer et al.	108	56.1	3/29/93
BH	5,555,820	9/17/96	Shuert	108	51.1	4/24/95
BI	5,566,624	10/22/96	Brown et al.	108	51.1	8/15/95
BJ	5,638,760	6/17/97	Jordan et al.	108	51.1	7/1/96
BK	5,648,031	7/15/97	Sturtevant et al.	264	80	7/28/94

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
BL					
BM					
BN					
BO					
BN					

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

BR	English language version of the abstract for German Patent Document No. DE10024421 downloaded from www.espacenet.com on February 2, 2007.
BS	Extreme™ Pallet, General Electric Company Publication brochure GID-PAL-120 2 pages.
BT	Witt, Clyde E., "Jumping Through Plastic Hoops of Fire", Material Handling Management, October 2002.

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U.S. DEPARTMENT OF COMMERCE

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ATTY. DOCKET NO. 9085

SERIAL NO. 10/198,932

APPLICANT

Scott Arthur William Muirhead

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FILING DATE March 11, 2004 GROUP 3637

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	CA 5,676,864	10/14/97	Shuett	108	51.1	4/24/96
	CB 5,687,532	11/18/97	Torrey	52	656.3	5/6/96
	CC 5,728,424	5/17/98	Walling	427	180	4/10/96
	CD 5,758,855	6/2/98	Jordan et al.	248	346.01	11/21/95
	CE 5,806,436	9/15/98	Weichenrieder, Sr. et al.	108	57.23	11/21/97
	CF 5,834,535	11/10/98	Abu-Isa et al.	523	179	12/22/96
	CG 5,845,588	12/8/98	Sronnevik	108	57.27	10/30/96
	CH 5,924,589	7/20/99	Gordon	220	23.91	7/21/97
	CI 5,946,878	9/7/99	Grund et al.	52	630	4/8/98
	CJ 5,984,126	11/16/99	Gordon	220	62.22	4/8/98
	CK 5,989,706	11/23/99	McGinniss et al.	428	341	9/30/98

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
CL					
CM					
CN					
CO					
CP					

	CR		
	CS		
	CT		

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ATTY. DOCKET NO. 9085 SERIAL NO. 10/798,932

APPLICANT Scott Arthur William Muirhead

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FILING DATE March 11, 2004 GROUP 3637

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
DA	6,029,583	8/29/00	LeTrudet	108	57.25	7/2/96
DB	6,095,787	8/1/00	Bills, Sr.	425	215	10/19/98
DG	6,109,190	8/29/00	Hale et al.	108	57.25	10/19/99
DD	6,110,559	8/29/00	De Keyser	428	68	9/23/94
DE	6,184,269	2/6/01	Abu-Isa et al	523	179	7/1/99
DF	6,357,366	3/19/02	Frankenberg	108	57.25	1/26/00
DG	6,389,990	5/21/02	Apps	108	57.25	6/25/01
DH	6,458,232	10/1/02	Valentinsson	156	182	9/9/99
DI	6,759,148	7/6/04	Tessey et al.	108	51.11	10/26/01
DJ	6,784,234	8/31/04	Adedeji et al	524	140	10/7/98
DK	2005/0004281	1/6/05	Adedeji et al.	524	115	2/4/04

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
DL					
DM					
DN					
DO					
DP					

DR		
DS		
DT		

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SERIAL NO. 10/798,932

APPLICANT

Scott Arthur William Maiched

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FILING DATE March 11, 2004 GROUP 3637

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
EA	2006/0011108	1/19/06	Abu-Isa et al.	108	57.25	7/13/04
EB	2006/0236903	10/26/06	Moore	108	57.25	3/1/06
EC						
ED						
EE						
EF						
EG						
EH						
EI						
EJ						
EK						

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
EL					
EM					
EN					
EO					
EP					
ER					
ES					
ET					

EXAMINER /Jose V. Chen/ (05/04/2010)

DATE CONSIDERED

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.V.C.